

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Koch, et al.]
Serial No.: 10/710,845] Examiner: Anthony N. Bartosik
Confirmation No.: 4844]
Filed: 08/06/2004] Group Art Unit: 3635
For: COMBINATION FLASHING AND]
DRAINAGE SYSTEM]

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

**DECLARATION TRAVERSING REJECTION
37 CFR 1.132**

To the Commissioner for Patents:

I, David Spino, being duly sworn, declare as follows:

1. That I am the Vice President of Spino Brothers, Inc., a masonry contracting firm having a place of business at 356 George Washington Highway, Smithfield, RI 02917.
2. That I have been in the business of masonry contracting for 23 years.
3. That, on account of my position, education, and experience, I consider myself to be an expert in the field of masonry flashing.

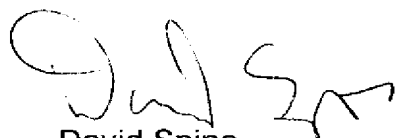
4. That I am familiar with the claimed invention, namely, a combination through-wall masonry flashing / drainage device comprising a flashing membrane, the flashing membrane having a first side and a second side opposite the first side; a reinforcing cloth adhered to the flashing membrane first side; and a wicking cloth adhered to the flashing membrane second side, hereinafter referred to as FLASHVENT™.
5. That upon learning about FLASHVENT I was skeptical that it would work as claimed.
6. That I viewed a video demonstration of FLASHVENT, and was thereby sufficiently impressed by it to test it by building my own demonstration unit.
7. That I was amazed to find that I had the same results from my demonstration unit as were shown in the demonstration unit.
8. That FLASHVENT is cost competitive to other products because it does not require mortar net.
9. That FLASHVENT requires less time to install than other products, and therefore saves more money.
10. That Spino Brothers, Inc. flipped its first project in February 2007 to FLASHVENT, and have used FLASHVENT on three projects.

11. That Spino Brothers, Inc. intends to recommend and use FLASHVENT exclusively on all architect approved projects.

12. That I have no financial interest in this patent application or in the assignee York Manufacturing except as a paying customer.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



David Spino
Vice President

Date: January 29, 2008